

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Southeast Directional Drilling, LLC,
a Minnesota limited liability company,

Case Type: _____
Case File No. _____

Plaintiff,

v.

Rigcetera, a Texas entity; and
Mindy L. Moreno, an individual Texas
resident; and Art Moreno, an individual
Texas resident,

**COMPLAINT
(Jury Trial Demanded)**

Defendants.

Plaintiff, for its Complaint, states as follows:

1. Plaintiff is a Minnesota limited liability company, engaged in the business of directional drilling.
2. Defendant Rigcetera is a Texas entity, engaged in the business of selling construction supplies and equipment.
3. Upon information and belief, Defendant Art Moreno is an individual resident of Texas and a former employee of Plaintiff.
4. Upon information and belief, Defendant Mindy L. Moreno is the owner of Rigcetera, an individual resident of Texas, and the daughter of Art Moreno.
5. This Court has diversity jurisdiction over this matter.
6. In a scheme to swindle Plaintiff, Art Moreno allegedly ordered construction supplies and equipment from Rigcetera for the account of Plaintiff. Art Moreno then “signed” for the supplies and equipment, on behalf of Plaintiff.

7. Upon information and belief, some of the supplies and equipment was never delivered to Plaintiff and/or was sold to Plaintiff at excessive prices as part of the scheme to swindle Plaintiff.

8. Mindy Moreno conspired with Art Moreno to swindle Plaintiff as set forth above. Art Moreno's participation in this conspiracy also constitutes a breach of the fiduciary duty that he owed Plaintiff.

9. As a direct and proximate result of the swindle set forth above, Plaintiff has been damaged in an amount in excess of the minimum jurisdictional limits of this Court.

10. After discovering the swindle, Plaintiff terminated the employment of Art Moreno and refused to pay Rigcetera's outstanding bills, except for those charges that Rigcetera could prove were accurate, fair, reasonable and justified.

11. Thereafter, Rigcetera continued to demand payment of the disputed bills.

12. There is a real and justiciable controversy regarding Plaintiff's obligation to pay the disputed bills.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, as follows:

1. Damages in an amount in excess of the minimum jurisdictional limit of this Court;

2. Declaratory relief determining that Plaintiff does not owe Rigcetera anything for the disputed invoices;

3. Costs, disbursements and interest; and

4. Such other and further relief to which Plaintiff may be entitled as a matter of law, equity and/or justice.

DATED: July 1, 2009.

**FABYANSKE, WESTRA, HART
& THOMSON, P.A.**

By: _____

Kyle E. Hart (#159025)
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Minneapolis, MN 55402
(612) 359-7600
ATTORNEYS FOR PLAINTIFF

Plaintiff hereby demands a jury trial on its claims herein.

**FABYANSKE, WESTRA, HART
& THOMSON, P.A.**

By: _____

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